

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

CREDIT ACCEPTANCE CORPORATION,

PLAINTIFF

VS.

CIVIL ACTION NO. 4:07CV184-P-B

JAMES ALLEN STOKES,

DEFENDANT.

ORDER

This matter comes before the court upon Credit Acceptance Corporation's Motion to Compel Arbitration [12]. After due consideration of the motion, the court finds as follows, to-wit:

On September 27, 2007 James Allen Stokes filed an action against Kendrick Gear d/b/a Ken's Auto Sales and Credit Acceptance Corporation in the Circuit Court of Sunflower County, Mississippi asserting claims of breach of contract and conversion in relation to an automobile that Stokes financed with Gear. Stokes alleges that Credit Acceptance Corporation was assigned the financing contract by Gear.

On October 29, 2007 Credit Acceptance removed Stokes' state court action to federal court asserting bankruptcy jurisdiction. On March 26, 2008 this court entered an Order referring Stokes' removed action to the bankruptcy court. Accordingly, the instant action is also referred to the Bankruptcy Court.

IT IS THEREFORE ORDERED AND ADJUDGED that, without addressing the merits, Credit Acceptance Corporation's Motion to Compel Arbitration [12] is denied insofar as the motion should be addressed to the U.S. Bankruptcy Court of the Northern District of Mississippi.

SO ORDERED this the 27th day of May, A.D., 2008.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE